

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEPOSITORS INSURANCE	§	
COMPANY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:23-CV-1879-K
	§	
CUMIS INSURANCE SOCIETY, INC.,	§	
NEIGHBORHOOD CREDIT UNION,	§	
PINNACLE PARK SHOPPING	§	
CENTER, LP and CAPITAL REAL	§	
ESTATE VENTURES, INC.,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

On August 22, 2023, Plaintiff filed this case in federal court alleging only diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). Doc. No. 1 at 3. From the face of Plaintiff's Complaint, it is clear, however, that the parties' citizenship is not completely diverse. Plaintiff shares the same State citizenship (Iowa) as Defendant CUMIS Insurance Society, Inc. *Id.* at 1-2. The Court issued an order on August 23, 2023, identifying this jurisdictional defect and affording Plaintiff an opportunity to amend its complaint in an effort to cure it. Doc. No. 4. The Court warned that failure to amend to properly allege complete diversity of the parties' citizenship would result in dismissal of this case without further notice. *Id.* Plaintiff's deadline to amend was

August 30, 2023, and Plaintiff did not amend its complaint or otherwise communicate with the Court in response to the jurisdictional order.

It is apparent from the face of Plaintiff's Complaint that the Court lacks subject matter jurisdiction over this matter which requires dismissal. *See Stockman v. Fed. Election Comm'n*, 138 F.3d 144, 151 (5th Cir. 1998); *see also* FED. R. CIV. P. 12(h)(3) (court must dismiss action if it determines at any time that subject matter jurisdiction is lacking). Thus, this case is **DISMISSED without prejudice**.

SO ORDERED.

Signed September 5th, 2023.


ED KINKEADE
UNITED STATES DISTRICT JUDGE